

**From:** [Opalski, Dan](#)  
**To:** [McLerran, Dennis](#); [Pirzadeh, Michelle](#)  
**Cc:** [Bilbrey, Sheryl](#); [Poulsom, Susan](#); [Lidgard, Michael](#); [Psyk, Christine](#); [Kowalski, Ed](#); [Kenknight, Jeff](#); [Weber, Courtney](#); [Brown, Leah](#)  
**Subject:** FW: fyi on Hull Cleaning of USS Independence  
**Date:** Friday, November 04, 2016 10:36:39 AM

---

We will also provide something up on this in hot topics, but I thought it best just to pace this a long as an issue that at least for me, has recently emerged. We will keep working on this.

Sheryl -- Though it would be good to confirm if someone on your staff is aware of this, at the same time the representation that someone in Superfund may be aware is really immaterial from a CWA perspective unless the action itself is being addressed under CERCLA and they have done some kind of ARARs analysis, which at least at this point I am not hearing....

Dan Opalski  
Director  
Office of Water and Watersheds  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101  
206-553-1855  
FAX: 206-553-1280

---

**From:** Poulsom, Susan  
**Sent:** Friday, November 04, 2016 10:14 AM  
**To:** Opalski, Dan ; Psyk, Christine ; Kenknight, Jeff ; Lidgard, Michael  
**Cc:** Brown, Leah ; Weber, Courtney  
**Subject:** fyi on Hull Cleaning of USS Independence

All – I just want to give you a heads up on an issue that came up this week.

Steve Todd (staff ecologist) of the Suquamish Tribe contacted me expressing concerns regarding the Navy's plans to remove biofouling from the USS Independence, a ship that has been sitting at the Puget Sound Naval Shipyard dock since 1998. The Navy plans to tow the ship to Texas this winter to be dismantled, but before they do, they plan to remove the biofouling underwater from the ship, allowing the material to fall into Puget Sound. The biofouling is 2 – 3 feet thick, and the ship is 1,070 feet long, meaning that approximately 6,000 cu yards of material will be removed. (I believe TX concern is invasive species.) Navy does not intend to use the dry docks since they are already scheduled out for the next 2 years. Steve wanted to know if anything could be done about the Navy's plans under NPDES.

The Tribe became aware of the issue from the Services (I think NMFS). The Tribe requested a meeting with the Navy; which occurred last week.

The Navy represented that this removal action is allowed under Uniform National Discharge Standards (UNDS) and does not fall under a NPDES. UNDS establishes national discharge standards for vessels of the Armed Forces under Section 312 of the CWA.

<https://www.epa.gov/vessels-marinas-and-ports/uniform-national-discharge-standards-unds-homepage>

Our current PSNS NPDES permit does not address underwater hull cleaning. The boundary of NPDES and UNDS came up when we were drafting the new permit. The Navy's position was that our permit could not prohibit underwater husbandry because of UNDS

I contacted Katherine Weiler (EPA UNDS contact at HQ OWOW). She stated:

- The action you describe below (b) (5)

- (b) (5)

- (b) (5)

As you probably know - Ecology has an advisory against underwater hull cleaning. This provision from Ecology was a big issue with our tribal net pen permit. We eventually allowed *in situ* cleaning only under conditions that would disperse solids and prevent concentrated bottom settling.

At this point:

- Steve Todd knows we are looking into the issue and whether there is anything from an NPDES standpoint that would regulate the action.
- Leah Brown in ORC is investigating the issue with OECA attorneys in HQ.
- I contacted the Navy (Matt Jabloner) about the issue. I talked to him this AM and someone will be getting to me. He also heard that someone in EPA Superfund may be aware of the action.
- I wondering if since the Services are involved – maybe this will prevent the action occurring?

Susan Poulsom  
US EPA Region 10  
NPDES Permits Unit  
206-553-6258